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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2842/1999 with OA No.2848/1999

New Delhi, this 14th day of March, 2001

Hon'ble Shri Kuldip Singh, Member(J)  
Hon'ble Shri M.P.Singh, Member(A)

1. V.K. Gupta  
c/o Secretary, Deptt. of Economic  
Affairs, M/Finance  
North Block, New Delhi .. Applicant in OA 2842/99
2. Satish Kumar  
o/o Dev. Commissioner/SSI  
M/Industries  
Nirman Bhavan, New Delhi .. Applicant in OA 2848/99

(By Shri P.K.Sharma, Advocate)

versus

Union of India, through

1. Secretary  
Dept. of Expenditure  
M/Finance, North Block, New Delhi
2. Secretary  
Dept. of Statistics  
M/Planning, SP Bhavan, New Delhi
3. Chief Executive Officer  
National Sample Survey Organisation  
M/Planning, SP Bhavan, New Delhi
4. Addl. Secreary & Dev. Commissioner(SSI)  
Nirman Bhavan, New Delhi (in OA 2848/99)
5. Secretary  
Dept. of Economic Affairs  
M/Finance, New Delhi (in OA 2842/99) .. Respondents

(By Shri Madhav Panickar, Advocate)

ORDER (oral)

By Shri M.P. Singh

The issues involved and the relief prayed for in both OAs are common and therefore we proceed to dispose of these two OAs by a common order.

2. Applicants have challenged the communications dated 8.10.99 (Annexure P1 to OA 2848/99) and 12.10.99 (Annexure P1 to OA 2842/99) by which their request for grant of pay scale of Rs.1600-2660 from 1.1.86 has been denied to them.

3. Applicants are working as Data Processing Assistants (now redesignated as Data Entry Operator Grade B). Similarly placed persons working in the Nagpur Office of the respondents have been granted the scale of Rs.1600-2660 by the verdict of the Hon'ble Supreme Court in Civil Appeal No.508/98 (C.M.Dadwa & Ors. Vs. UOI) decided on 25.9.98 and again in Civil Appeal No.3182/1998 (Kamlakar & Ors. Vs. UOI) decided on 14.5.99. We also find that OAs of some more similarly placed applicants have been allowed by the Full Bench of this Tribunal in its decision dated 31.7.2000 in OA No.2639/99 (Babu Lal & Ors. Vs. UOI) and another coordinate Bench of this Tribunal vide its order dated 7.1.2000 in OA No.952/99 (M.S.Marwah & Ors. Vs. UOI), following the decision of the Hon'ble Supreme Court (supra).

4. Though the learned counsel for the respondents took the plea that benefits of the judgement of the apex court can be given only to those who were petitioners before that court and not to other similarly placed, we are not inclined to accept the same. We are convinced

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that the applicants are similarly placed like those before the apex court as also before this Tribunal in the OAs referred to above.

5. In view of this position, we have no reason to take a different view contrary to the ones cited above. In the result, we allow the present OAs and quash and set aside the orders dated 8.10.99 and 12.10.99. We direct the respondents to grant the pay scale of Rs.1600-2600 to the applicants with effect from 1.1.86 with all consequential benefits. This shall be done within a period of four months from today. No costs.

  
(M.P. Singh)

Member(A)

  
(Kuldip Singh)

Member(J)

/gtv/